

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Cr. No. C-04-463 (1)
	§	
CESAR OSIEL ZUNIGA,	§	
	§	
Defendant.	§	

**ORDER DENYING LETTER MOTION FOR FREE TRANSCRIPT**

Pending before the Court is a letter motion from Defendant Cesar Osiel Zuniga, received by the Clerk on November 6, 2005. (D.E. 17). In it, he requests a free copy of his sentencing transcript copies. He explains that he would like a copy of the transcript for various reasons. First, he states that having the sentencing transcript might assist in resolving any issue that may arise with regard to his classification in the federal prison system. Second, he claims that he may have viable legal claims with regard to his sentence at some point in the future, and he would like to have a copy of the sentencing transcript on hand for that purpose. Third, he believes that the sentencing transcript may assist him in obtaining a job once he is released from prison, although he admits that he has “a substantial amount of time to do” before he is released. (D.E. 17 at 1).

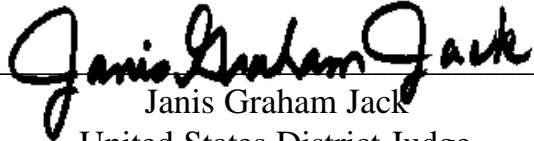
An indigent defendant has a statutory right to free transcripts in particular circumstances. See 28 U.S.C. § 753(f); United States v. MacCollum, 426 U.S. 317, 96 S. Ct. 2086 (1976). The defendant must, however, establish that the transcripts are needed to decide an issue in a pending suit and that the suit is not frivolous. 28 U.S.C. § 753(f).

Defendant was sentenced on December 15, 2004. (D.E. 13). Judgment of conviction and sentence was entered on December 23, 2004. (D.E. 16). He did not appeal and has not yet filed any

post-conviction motions. Because he has no pending suit before the Court and has not yet filed any post-conviction motions for relief, he fails to meet the statutory requirements for free transcripts. See 28 U.S.C. § 753(f).

For the foregoing reasons, Defendant's motion for a free copy of his sentencing transcript is DENIED WITHOUT PREJUDICE to his ability to ask for that transcript at any later date during a pending suit. Additionally, the Clerk's office has already provided transcript order forms to Defendant. He is, of course, entitled to obtain copies of his transcripts at his own expense.

ORDERED this 17th day of November, 2006.

  
Janis Graham Jack  
United States District Judge